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Permanent constitution should do no less

WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) commends the signing of an interim constitution, the Transitional Administrative Law (TAL), for Iraq that includes a bill of rights guaranteeing each individual Iraqi a wide range of international protections, including freedom of thought, conscience, and religious belief and practice. The Commission notes that there was a substantial expansion in the articulation of rights from a narrow right of groups to worship in the draft TAL to the guarantee to every person freedom of thought, conscience, belief, and practice in the final version. This emphasis on individual freedom is unique for the region. These guarantees should not only be put into practice now, but also enshrined in Iraq's permanent constitution.

The Commission is concerned, however, by language in the Transitional Administrative Law requiring that legislation not be contrary to the "universally agreed upon tenets of Islam." This provision could be used by judges to abridge the internationally recognized human rights of political and social reformers, those voicing criticism of prevailing policies, religious minorities, women, or others. In some Islamic countries, such as Afghanistan and Pakistan, judges and other public officials have resorted to harsh interpretations of Islamic tenets as justification for abusing universal human rights, stifling public debate, and impeding

democratic reforms.

“A future Iraq that respects the universal human rights of all Iraqis, including religious minorities and women, would contribute significantly to regional peace, stability, and progress. The U.S. government should in public remarks and private meetings use its influence to ensure the observance by Iraqi authorities of international norms of protection for individual rights as affirmed in the Universal Declaration of Human Rights. Iraq's permanent constitution should contain a statement that the principles of democracy, pluralism, rule of law, and Iraq's international obligations are to be fundamental sources for legislation,” said USCIRF Chair Michael K. Young.

With such protections, the Iraqi people will have in place a better framework for managing the inevitable future debates on contentious issues involving the role of religion in their society, such as the rights of women regarding inheritance, marriage, and child custody. Without effective protections of fundamental rights and freedoms for each individual in Iraq, reformers could all too easily be the targets of unjust accusations of religious “crimes” such as apostasy and blasphemy, backed by the force of law.

Said Young, “U.S. policies and programs, both now and after the overturn of sovereignty, should be geared toward actively supporting those elements in Iraqi society that favor adherence to international standards of human rights. Democratic political parties, a vibrant civil society, and a free press and broadcast media are vitally important to sustaining human rights protections over the long term.”

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State and the Congress.

Dean Michael K. Young
- Felice D. Gaer

